IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.50 OF 2007

IN

APPEAL FROM ORDER NO.548 OF 2006

Chandrakant A.Dalal ...Applicant

Versus

Municipal Corporation of Gr.Mumbai

& Anr. ...Respondents

.....

Mr.Sandesh Deshpande for Applicant.

Mrs.Geeta Joglekar for Respondents.

Mr.Uday Bobade with Mr.Mohan Tekawade for intervenors.

.....

CORAM: A.M.KHANWILKAR, J.

JANUARY 25, 2007.

P.C.

1. The fact that some Certificate has now been given by the Architect that the property is capable of redevelopment, cannot be the basis to permit the Applicant to hang on to the property inspite of the order passed by this Court on 3rd

October 2006 and the undertaking given by the Applicant to vacate the premises on or before 5th January 2007.

2. It is not in dispute that the Applicant has not vacated the suit premises as per the undertaking whereas, the present Application has been filed on 10th January 2007 after the time to vacate was already over, which means that the Applicant committed wilful disobedience of the order of this Court. It is open for this Court to initiate action for that cause. However, for the time being, indulgence is shown to the Applicant to vacate the premises, as other side has no objection for allowing the Applicant to remain in possession of the premises for one more week.

3. The Applicant may ensure that he vacates the premises on or before 10th February 2007, failing which, it will be open to the contesting private Respondent to take out appropriate application, as may be advised.

4. Applicant is present in Court and he has consented for vacating the premises within this extended time, which assurance is accepted.

A.M.KHANWILKAR, J.